



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,315	11/04/1999	PAUL D. MARKO	XM-0014	5073
7590	07/18/2005		EXAMINER	
WILLIAM J BENMAN BENMAN & COLLINS 2049 CENTURY PARK EAST SUITE 2740 LOS ANGELES, CA 90067			LEE, JOHN J	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/435,315	MARKO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	JOHN J. LEE	2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 April 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 17-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 17-30 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. Applicant's arguments with respect to claims 17 - 30 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 17 and 21 – 30** are rejected under 35 U.S.C. 102(e) as being anticipated by Hadden et al. (US Patent number 6,424,817).

Regarding **claim 17**, Hadden discloses that a satellite digital audio radio multipoint distribution system (Fig. 2 and column 2, lines 41 – column 3, lines 10). Hadden teaches that a satellite antenna (antenna (28) in Fig. 2) for receiving a satellite digital audio radio signal (22 in Fig. 2) (Fig. 2 and column 3, lines 37 – column 4, lines 31, where teaches the satellite antenna receives communication channels (the audio or

video signal) from the satellite). Hadden teaches that a terrestrial repeater (30 in Fig. 2) connected to said antenna (antenna (22) in Fig. 2) for decoding said satellite signal and recording said signal into an intermediate frequency (IF) satellite radio terrestrial broadcast format signal (Fig. 2, 3 and column 3, lines 49 – column 4, lines 62, where teaches the terrestrial repeater receives the satellite signal and decoding (down converting) and recording the satellite signal into intermediate frequency (IF) satellite radio terrestrial broadcast format signal). Hadden teaches that a system for distributing said recoded IF signal (Fig. 2, 3 and column 4, lines 7 – column 5, lines 21, where teaches distributing the IF frequency signal to the customer (subscribers)). Hadden teaches that plural satellite digital audio radio service receivers (subscribers (26) in Fig. 2) adapted to receive said recorded IF signal from said distributing system (30 in Fig. 2) and provide an audio or visual output signal in response thereto (Fig. 2, 3 and column 4, lines 7 – column 5, lines 21, where teaches plural satellite digital audio radio service receivers receive the IF satellite radio terrestrial broadcast format signal and provides an audio or visual output signal for customer).

Regarding **claim 21**, Hadden discloses that each of said plural receivers includes a respective user interface to allow for channel selection and audio processing (Fig. 2, 3 and column 4, lines 7 – column 5, lines 21, where teaches providing interface module for selection of a desired channel).

Regarding **claim 22**, Hadden discloses that a channel decoder integrated circuit adapted to receive said recoded signal and provide a digital bitstream output in response thereto (Fig. 2, 3 and column 3, lines 49 – column 4, lines 62, where teaches the

terrestrial repeater receives the satellite signal and decoding (down converting) and recording the satellite signal into intermediate frequency (IF) satellite radio terrestrial broadcast format signal).

Regarding **claim 23**, Hadden discloses that a source decoder digital signal processor (160 in Fig. 6) adapted to receive said digital bitstream and provide said output signal in response thereto (Fig. 2, 3 and column 3, lines 49 – column 4, lines 62).

Regarding **claim 24**, Hadden discloses that the distribution system is a cable distribution system (Fig. 2, 3 and column 3, lines 49 – column 4, lines 62, where teaches single cable distribution system).

Regarding **claim 25**, Hadden discloses that the distribution system is a wireless distribution system (Fig. 2, 3 and column 2, lines 41 – column 3, lines 10).

Regarding **claim 26**, Hadden discloses that the distribution system is a fiber-optic distribution system (Fig. 2, 3 and column 2, lines 41 – column 3, lines 10, where teaches it is inherently using the a fiber-optic for distribution).

Regarding **claim 27**, Hadden discloses all the limitation, as discussed in claim 17.

Regarding **claim 28**, Hadden discloses all the limitation, as discussed in claim 17.

Regarding **claim 29**, Hadden discloses all the limitation, as discussed in claim 17.

Regarding **claim 30**, Hadden discloses all the limitation, as discussed in claim 17.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hadden in view of Marko et al. (US Patent number 6,154,452).

Regarding **claims 18-20**, Hadden discloses all the limitation, as discussed in claim 17. However, Hadden does not specifically disclose the limitation “the recorded signal is an XM radio terrestrial frequency multi-carrier modulated signal (XM radio format)”. However, Marko discloses the limitation “the recorded signal is an XM radio terrestrial frequency multi-carrier modulated signal (XM radio format)” (Fig. 1, 3, 16, column 7, lines 41 – column 9, lines 15, where teaches the signal is XM radio format which is a XM radio terrestrial frequency multi-carrier modulated signal). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Hadden as taught by Marko. The motivation does so would be to improve broadcasting service for high quality signal reception in satellite broadcast system.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Izadpanah et al. (US Patent number 6,560,213) discloses Wideband Wireless Access Local Loop Based on Multimeter Wave Technology.

Information regarding... Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
Or P.O. Box 1450  
Alexandria VA 22313

or faxed (571) 273-8300, (for formal communications intended for entry)  
Or: (703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to USPTO Headquarters,  
Alexandria, VA.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(571) 272-7880**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay Aung Maung**, can be reached on **(571) 272-7882**. Any inquiry of a general nature or

relating to the status of this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

J.L  
July 8, 2005

John J Lee

EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

J.O. 7/14/05